

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DAVID STOCKS,
BOP # 70935-019,

Movant

v.

UNITED STATES OF AMERICA,

Respondent.

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HABEAS CORPUS
28 U.S.C. § 2255

CIVIL ACTION NO.
1:19-CV-02741-ELR

CRIMINAL ACTION NO.
1:17-CR-00257-RGV-2

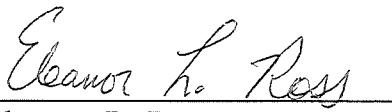
ORDER

This matter is before the Court for consideration of the Report and Recommendation (“R&R”) of Magistrate Judge Russell G. Vineyard. [Doc. 97]. Judge Vineyard recommends that Movant’s § 2255 Motion [Doc. 81] be denied and that a Certificate of Appealability be denied as well.

After conducting a careful and complete review of a magistrate judge’s findings and recommendations, a district court judge may accept, reject, or modify a magistrate judge’s R&R. 28 U.S.C. § 636(b)(1) (C); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). No objections to the magistrate judge’s R&R have been filed, and therefore, the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no error.

Accordingly the Court **ADOPTS** the R&R [Doc. 97] as the opinion of this Court. For the reasons stated in the R&R, the Court **DENIES** Movant's § 2255 Motion. [Doc. 81]. Additionally, the Court **DECLINES** to issue a certificate of appealability because after considering 28 U.S.C. § 2253(c)(2), the Court finds that Movant has not made a substantial showing of the denial of a constitutional right. The Court **DIRECTS** the Clerk to **CLOSE** the civil case associated with Movant's § 2255 Motion: Civil Action No. 1:19-CV-02741-ELR.

SO ORDERED, this 17th day of December, 2019.



Eleanor L. Ross
United States District Judge
Northern District of Georgia